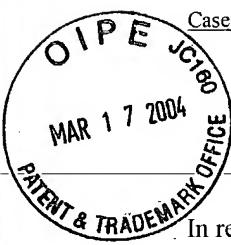


3739

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage addressed to: Mailstop: , Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 , on 3/15/04

Casey Hagopian

**PATENT**

Attorney Docket No. 39238-0747

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application	)	<u>PATENT APPLICATION</u>
	)	
Inventor(s): Roger Stern et al.	)	
	)	Art Unit: 3739
Application No.: 10,072,610	)	
	)	Examiner: To Be Assigned
Filed: February 6, 2002	)	
	)	
Title Handpiece For Treatment of Tissue	)	
	)	

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97**

Mailstop:  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed below on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, along with a concise explanation of information in a foreign language, if any, except for pending U.S. applications is attached pursuant to 37 C.F.R. §1.97-1.98.

*1.98(d) A copy of any patent, publication or other information listed in an information disclosure statement is not required to be provided if it was previously cited by or submitted to the office in a prior application, provided that the prior application is properly identified in the statement and relied upon for an earlier filing date under 35 U.S.C. 120.*

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. The Examiner is requested to initial and return the PTO-1449 in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

*RECEIVED  
MAR 18 2004  
TECHNOLOGY CENTER R3700*

- This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):
- (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)  
-- OR --
- (2) It is being filed within 3 months of entry of a national stage  
-- OR --
- (3) It is being filed before the mail date of the first Office Action on the merits  
-- OR --
- (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
- 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a-national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:
- a certification as specified in §1.97(e) is provided below; or
- a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:
- A. a certification as specified in §1.97(e) is completed below; and
- B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; and
- C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$ 0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 08-1641 (Docket No. 39238-0747).

Dated: 3/15/04

Respectfully submitted,

HELLER EHRLICH WHITE & MCAULIFFE LLP

By:

  
Paul Davis, Reg. No. 29,294

275 Middlefield Road  
Menlo Park, CA 94025-3506  
(650) 324-7000  
Customer No. 25213

<p style="text-align: center;"><b>INFORMATION DISCLOSURE CITATION</b></p> <p style="text-align: center;">PTO-1449</p>				ATTY. DOCKET NO. 39238-0747		APPLICATION NO. 10/072,610
				TITLE: Handpiece For Treatment of Tissue		
				APPLICANT Stern et al.		
				FILING DATE February 6, 2002		GROUP 3739
<b>U.S. PATENT DOCUMENTS</b>						
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	RE 32,849	1/89	Wei, et al.	204	192.27	6/2/85
	3,831,604	8/74	Neefc	128	260	9/19/73
	4,074,718	11/78	Morrison	128	303.14	3/17/76
	4,140,130	2/79	Storm, III	128	404	5/31/77
	4,164,226	8/79	Tapper	128	419 R	6/13/77
	4,290,435	8/81	Waggott	128	800	9/7/79
	4,343,301	8/82	Indech	128	24	10/4/79
	4,346,715	8/82	Gammell	128	422	5/13/80
<b>FOREIGN PATENT DOCUMENTS</b>						
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	Translation
						Yes
	92/19414	11/92	PCT			
	0 519 415	12/92	Europe			
	31 21 683	12/82	Germany			X
	1 949 534	4/70	Germany			X
	2 609 245	7/88	France			X
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>						
	Allain, et al. "Isometric Tensions Developed During the Hydrothermal Swelling of Rat Skin", Connective Tissue Research, vol 7, pp. 697-701, (1990).					
	Danielson, C. "Age-Related thermal stability and susceptibility to proteolysis of rat bone collagen", ...chem, Great Britain, pp. 697-701, (1990).					
	Danielson, C. "Thermal stability of reconstituted collagen fibrils, shrinkage characteristics upon in vitro maturation", Mechanisms of Ageing and Development, Vol 15, pp. 269-278, (1981).					
	Kronick, et al. "The locations of collagens with different thermal stabilities in fibrils of bovine reticular dermis". Connective Tissue Research, Vol. 18, pp. 123-134, (1988).					
	Mainster, M.A. "Ophthalmic applications of infrared lasers - thermal considerations", Visual Sci., pp. 414-420, April 1979.					
	Pearce, et al. "Kinetic models of laser-tissue fusion processes", ISA, paper #93-044, pp. 355-360, (1993)..					
<b>EXAMINER</b>	<b>DATE CONSIDERED</b>					

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



# INFORMATION DISCLOSURE CITATION

PTO-1449

ATTY. DOCKET NO. 39238-0747	APPLICATION NO. 10/072,610
--------------------------------	-------------------------------

TITLE: Handpiece For Treatment of Tissue	
---	--

APPLICANT Stern et al.	
---------------------------	--

FILING DATE February 6, 2002	GROUP 3739
---------------------------------	---------------

## U.S. PATENT DOCUMENTS

EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	4,375,220	5/83	Matvias	128	804	5/9/80
	4,381,007	4/83	Doss	128	303.1	4/30/81
	4,441,486	4/84	Pounds	128	24	10/27/81
	4,545,368	10/85	Rand, et al.	128	1.3	4/13/83
	4,676,258	6/87	Inokuchi, et al.	128	804	6/5/86
	4,709,701	12/87	Weber	128	422	4/14/86
	4,881,543	11/89	Trembly, et al.	128	303.1	6/28/88
	4,887,614	12/89	Shirakami, et al.	128	798	4/18/89
	4,889,122	12/89	Watmough et al.	128	399	4/11/88
	4,944,302	7/90	Hernandez et al.	128	798	4/18/89

## FOREIGN PATENT DOCUMENTS

EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						Yes	No

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Adrian, R. M. "Treatment of Facial Telangiectasia Using the VersaPulse7 Variable Pulse Width Frequency Doubled Neodymium:YAG Laser: A Case Report."
	Chess, C.; Chess, Q. "Cool Laser Optics Treatment of Large Telangiectasia of the Lower Extremities." <i>J. Dermatol Surg Oncol.</i> 1993; 19:74-80.
	Coulson, W. F. et al. "Nonablative Laser Treatment of Facial Rhytides: Animal Study." Abstract for BiOS '98 Symposium Conference: bo05 - Cutaneous Applications of Lasers, 24-30 January 1998, San Jose, CA.
	Kincade, K. "Demand for Laser Resurfacing Soars: Quicker Healing, Less Risk of Scarring." <i>Dermatology Times.</i> 1995. 16(10)
	Fitzpatrick, R. "Treatment of Wrinkles with the UltraPulse CO <sub>2</sub> Laser." MAR 18 2004
	Laser Aesthetics, Inc. "The Cool Touch Laser." Brochure.
	Laser Aesthetics, Inc. "Cool Touch Model 130 Technical Specifications." Brochure. TECHNOLOGY CENTER R37
	National Health Communications, Inc. "New Laser Eliminates 'Lipstick Bleed'" Press Release July 1993.
EXAMINER	DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

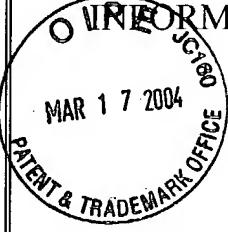
 <b>INFORMATION DISCLOSURE CITATION</b>  PTO-1449			ATTY. DOCKET NO. 39238-0747		APPLICATION NO. 10/072,610	
			TITLE: Handpiece For Treatment of Tissue			
			APPLICANT Stern et al.			
			FILING DATE February 6, 2002		GROUP 3739	
<b>U.S. PATENT DOCUMENTS</b>						
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	4,957,480	9/90	Morenings	604	20	2/2/88
	4,962,761	10/90	Golden	128	400	5/4/89
	5,003,991	4/91	Takayama, et al.	128	784	3/24/88
	5,133,351	7/92	Masaki	128	419 R	3/14/90
	5,143,063	9/92	Fellner	128	399	2/9/88
	5,186,181	2/93	Franconi, et al.	128	804	7/27/90
	5,190,517	3/93	Zieve, et al.	604	22	6/6/91
	5,230,334	7/93	Klopotek	128	399	1/22/92
	5,249,575	10/93	DiMino, et al.	607	150	10/21/91
	5,282,797	2/94	Chess	606	9	5/28/91
	5,304,169	4/94	Sand	606	5	8/17/92
	5,315,994	5/94	Guibert, et al.	607	101	3/5/93
	5,334,193	8/94	Nardella	606	41	11/13/92
	5,342,357	8/94	Nardella	606	40	11/13/92
	5,348,554	9/94	Imran, et al.	606	41	12/1/92
	5,370,642	12/94	Keller	606	9	8/2/93
	5,374,265	12/94	Sand	606	5	8/6/92
	5,660,836	8/97	Knowlton	424	400	5/5/95
<b>FOREIGN PATENT DOCUMENTS</b>						
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	Translation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>						
EXAMINER			DATE CONSIDERED			

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**RECEIVED**

**MAR 18 2004**

TECHNOLOGY CENTER R3700

 <b>INFORMATION DISCLOSURE CITATION</b> PTO-1449				ATTY. DOCKET NO. 39238-0747		APPLICATION NO. 10/072,610
				TITLE: Handpiece For Treatment of Tissue		
				APPLICANT Stern et al.		
				FILING DATE February 6, 2002		GROUP 3739
<b>U.S. PATENT DOCUMENTS</b>						
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	5,423,807	6/95	Milder	606	20	1/24/94
	5,423,811	6/95	Imran, et al.	606	41	3/16/94
	5,437,662	8/95	Nardella	606	40	2/17/94
	5,458,596	10/95	Lax, et al.	606	31	5/6/94
	5,462,521	10/95	Brucker, et al.	604	20	12/21/93
	5,464,436	11/95	Smith	607	89	4/28/94
	5,496,312	3/96	Klicek			
	5,507,790	4/96	Weiss			
	5,569,242	10/96	Lax, et al.	606	42	2/16/95
	4,756,310	7/12/88	Bitterly	128	400	
	4,633,875	7/1987	Turner			
	6,139,569	10/2000	Ingle et al.	607	104	
	5,231,997	8/1993	Kikuchi et al.			
	4,140,130	2/1979	Storm, III			
	5,769,879	6/1998	Richards et al.	607	101	
	4,556,070	12/1985	Vaguine et al.			
	5,775,338	7/1998	Hastings	128	898	
<b>FOREIGN PATENT DOCUMENTS</b>						
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	Translation
						Yes
	0 395 307 A2	10/31/90	Europe	A61B	17/36	
	98 05286	2/1998	PCT	A61H	7/00	
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>						
EXAMINER	DATE CONSIDERED					

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**RECEIVED**

**MAR 18 2004**



# INFORMATION DISCLOSURE CITATION

PTO-1449

ATTY. DOCKET NO. 39238-0747	APPLICATION NO. 10/072,610
--------------------------------	-------------------------------

TITLE: Handpiece For Treatment of Tissue	
---	--

APPLICANT Stem et al.	
--------------------------	--

FILING DATE February 6, 2002	GROUP 3739
---------------------------------	---------------

**U.S. PATENT DOCUMENTS**

EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	5,366,443	11/94	Eggers, et al.			
	5,697,909	12/97	Eggers, et. al.			
	5,697,882	12/97	Eggers, et al.			
	5,697,536	12/97	Eggers, et al.			
	5,697,281	12/97	Eggers, et al.			
	5,693,045	12/97	Eggers			
	5,692,058	11/97	Eggers, et al.			
	5,683,366	11/97	Eggers, et al.			
	5,681,282	10/97	Eggers, et al.			

**FOREIGN PATENT DOCUMENTS**

EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						Yes	No
	266678	12/97	New Zealand				
	98/03220	1/98	PCT				
	68/03117	1/98	PCT				
	97/18768	5/97	PCT				
	97/18765	5/97	PCT				
	96/39914	12/96	PCT				
	96/32051	10/96	PCT				
	96/27327	9/96	PCT				
	96/27240	9/96	PCT				
	94/26228	11/94	PCT				
	93/13816	7/93	PCT				

RECEIVED

MAR 18 2004

TECHNOLOGY CENTER 4000

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.